

BEFORE THE HUMAN RIGHTS COMMISSION
OF THE STATE OF MONTANA

TONI ZWARYCK,)	
Charging Party)	Cause No. 0024010005
)	
vs.)	ORDER AFFIRMING
)	NOTICE OF DISMISSAL
)	
MONTANA STATE UNIVERSITY)	
NORTHERN)	
Respondent.)	

The above-captioned matter came before the Montana Human Rights Commission (Commission) on November 21, 2002. The Commission considered Charging Party's objection to the dismissal of the complaint. Oral argument was requested, however, at the date and time noticed for the Commission hearing Charging Party was unavailable. Leslie Taylor appeared on behalf of Respondent, Montana State University Northern.

After listening to the argument on appeal and a review of the record, the Commission concludes that the Human Rights Bureau (Bureau) properly dismissed the matter. The record supports the conclusion that Charging Party, Toni Zwaryck, was unable to establish by a preponderance of the evidence that she had been subject to discrimination on the basis of disability or gender. Furthermore, the record does not support a conclusion that the actions of Montana State University Northern were retaliatory. *See § 49-2-504(1)(a), MCA.* Consequently, the Commission determines that the Bureau did not abuse its discretion when it issued a Notice of Dismissal. *24.9.1714(3), ARM.*

Charging Party will have 90 days after the receipt of this order to petition a district court in the district where the alleged violation occurred for the appropriate relief. *§ 49-2-509(5), MCA and 24.9.1717(5), ARM.* If Charging Party fails to commence a civil action within 90 days, the claim is time barred. *Id.*

IT IS HEREBY ORDERED, that Charging Party's objection is overruled and notice of dismissal is affirmed.

Dated this _____ day of November 2002

Mr. Gary Hindoien, Chair
Montana Human Rights Commission

CERTIFICATE OF SERVICE

The undersign employee of the Human Rights Bureau certifies that a true copy of the forgoing Human Rights Commission ORDER was served on the following persons by U.S. mail, postage prepaid, on November ____, 2002.

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